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Attorney Docket No. 5649-1162

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Sung-Yung Lee et al.

Serial No.: 10/650,344

Group Art No.: 2811

Filed: August 28, 2003

Confirmation No.: 6659

For: SEMICONDUCTOR DEVICES HAVING CAPACITORS OF METAL-  
INSULATOR-METAL STRUCTURE WITH COEXTENSIVE OXIDATION  
BARRIER PATTERN AND LOWER ELECTRODE BOTTOM AND METHODS  
OF FORMING THE SAME

December 30, 2003

Office of Patent Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCORD THE PROPER FILING DATE**

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of August 28, 2003 rather than August 29, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of August 28, 2003 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page ([www.usps.com](http://www.usps.com)), showing "acceptance" or deposit date with the USPS at 5:34 p.m. on August 28, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of August 29, 2003 instead of the Express Mail date of August 28, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of August 28, 2003 as the filing date pursuant to 37 CFR § 1.10.

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On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

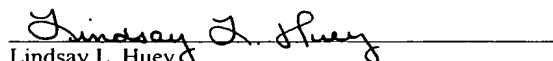


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**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 30, 2003.

  
Lindsay L. Huey  
Date of Signature: December 30, 2003